

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:07-CR-00036-F-1

No. 7:14-CV-00005-F

DARIUS LAMONT GALLOWAY,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent.

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ORDER

This matter is before the court on Darius Lamont Galloway's Motion for Reconsideration [DE-253]. In his motion, Galloway renews arguments made in his Motion to Vacate and Objections to the Magistrate Judge's Memorandum and Recommendation.

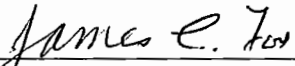
Rule 59(e) of the Federal Rules of Civil Procedure permits a court to alter or amend a judgment. Fed. R. Civ. P. 59(e). Although the rule itself does not set forth any guidelines as to when such a motion should be allowed, the Fourth Circuit Court of Appeals has recognized three grounds for amending a judgment pursuant to Rule 59(e): "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available [previously]; or (3) to correct a clear error of law or prevent manifest injustice." *Sloas v. CSX Transp., Inc.*, 616 F.3d 380, 385 n.2 (4th Cir. 2010) (alteration added and citation omitted). "It is an extraordinary remedy that should be applied sparingly." *Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc.*, 674 F.3d 369, 378 (4th Cir. 2012). A "district court has considerable discretion in deciding whether to modify or amend a judgment." *Gagliano v. Reliance Standard Life Ins. Co.*, 547 F.3d 230, 241 n.8 (4th Cir. 2008).

Following a review of the record, the court's May 10, 2016 Order [DE-251], and the

Magistrate Judge's Order and Memorandum and Recommendation [DE-249], the court sees no meritorious reason to disturb its ruling. Accordingly, Galloway's Motion for Reconsideration [DE-253] is DENIED.

SO ORDERED.

This, the 14th day of June, 2016



James C. Fox
Senior United States District Judge